

- a. a specific ramoplanin that must be present, i.e., the identities of the substituent variables;
- b. a specific vegetable oil (e.g., soybean, safflower, or cottonseed), or alternatively, a statement that in the elected specie (i.e., the elected composition), no vegetable oil is present;
- c. a specific emulsifier, or alternatively, a statement that in the elected specie (i.e., the elected composition), no emulsifier is present; and
- d. in the event that Group II is elected, election of a specific triglyceride is required.

Applicants elect, with traverse, Group I, Claims 1-5, 9-18, 20-35. In addition, Applicants elect, with traverse, ramoplanin as shown in Formula (I) (page 2) and where the substituents R and R' are as defined in the table on page 4. This table is reproduced below for the Examiner's convenience:

Factor	R	R'
A ₁	-CO-CH=CH-CH=CH=CH ₂ -CH ₂ -CH ₃	2-O-alpha-D-mannopyranosyl-alpha-D-mannopyranosyl
A ₂	-CO-CH=CH-CH=CH-CH ₂ -CH(CH ₃) ₂	2-O-alpha-D-mannopyranosyl-alpha-D-mannopyranosyl
A ₃	-CO-CH=CH-CH=CH=CH ₂ -CH ₂ -CH(CH ₃) ₂	2-O-alpha-D-mannopyranosyl-alpha-D-mannopyranosyl
A' ₁	-CO-CH=CH-CH=CH-CH ₂ -CH ₂ -CH ₃	Alpha-D-mannopyranosyl
A' ₂	-CO-CH=CH-CH=CH-CH ₂ -CH(CH ₃) ₂	Alpha-D-mannopyranosyl
A' ₃	-CO-CH=CH-CH=CH-CH ₂ -CH ₂ -CH(CH ₃) ₂	Alpha-D-mannopyranosyl

Further, Applicants elect, with traverse soybean oil as a species of vegetable oil and egg yolk phospholipids as a species of emulsifier. No election of a specific triglyceride is required by the election of Group I. Claims 1-35 read on the elected species.

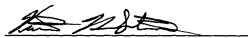
The Restriction Requirement and Election of Species requirement is traversed on the following grounds.

This application is a 371 of international application PCT/EP99/05137, filed July 19, 1999, and is properly subject to restriction only under the PCT rules. As noted in MPEP §1895.01(D), restriction practice under 35 U.S.C. §121, as it applies to national applications submitted under 35 U.S.C. §111(a), is not applicable to a national stage application such as this one. Applicants respectfully point out the PCT administrative instructions in MPEP, Annex B, Part 1, which provide direction on restriction practice under the PCT rules. The Office has not made out a proper case of restriction under the PCT rules, and the Restriction and Election of Species Requirement should be withdrawn.

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, and early notice of such action is earnestly solicited.

Respectfully submitted,

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